

REMARKS

By this amendment, Applicant has canceled claims 1 and 27-30, amended claims 2 and 4-10, and added new claims 31-35. No new matter has been added. All claims added are dependent on allowed or allowable claims, and are believed allowable. Claims 2-26 and 31-35 remain for consideration in the application.

Claim Rejections Under 35 U.S.C. § 102

Claims 1, 7 and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Linsalato et al.(U.S. Patent No. 3,907,037). Applicant traverses the rejection of claim 7. It is clear from a reading of Linsalato that the extinguisher 20 is indeed disposable, and is not rechargeable via the filling tube 50. This is because the filling tube 50 is pinched off and sealed after filling the extinguisher. (See Linsalato, column 2, lines 51-55, and Figure 4). Since the filling tube is pinched off and sealed, since the specification specifically identifies the extinguisher as disposable, and since there is no mention or even suggestion of refilling the extinguisher of Linsalato, it is disposable, and not rechargeable. Claim 7 is allowable.

Claim 1 has been canceled, the limitations of claim 1 having been inserted into claim 2 which had been indicated as allowable if properly re-written.

Claim 9 depends from and further defines allowable claim 2, and is also believed allowable.

Claim Rejections Under 35 U.S.C. § 103

Claims 8 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Linsalato et al.(U.S. Patent No. 3,907,037). Claims 8 and 10 as amended depend from and further define allowable claim 2, and are also believed allowable.

Claims 4 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Linsalato et al.(U.S. Patent No. 3,907,037) in view of Silverman (U.S. Patent No. 4,834,188). Claims 4 and 5 as amended depend from and further define allowable claim 2, and are also believed allowable.

Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Linsalato et al.(U.S. Patent No. 3,907,037) in view of Mountford (U.S. Patent No.

RESPONSE TO NON-FINAL OFFICE ACTION

PAGE 12

Serial No. 10/806,853

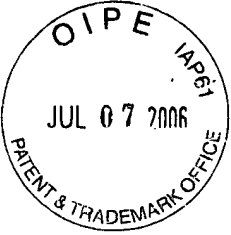
Attorney Docket No. 204.001US01

Title: AUTOMATIC APPLIANCE FIRE EXTINGUISHER SYSTEM

4,805,701). Claim 6 as amended depends from and further defines allowable claim 2, and is also believed allowable.

Allowable Subject Matter

Claims 2 and 3 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Applicant has amended claim 2 as suggested by the Examiner. Applicant thus respectfully requests reconsideration and withdrawal of the objection, and allowance of claims 2-10.



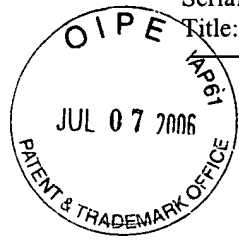
RESPONSE TO NON-FINAL OFFICE ACTION

PAGE 13

Serial No. 10/806,853

Attorney Docket No. 204.001US01

Title: AUTOMATIC APPLIANCE FIRE EXTINGUISHER SYSTEM



CONCLUSION

In view of the above remarks, Applicant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. Please charge any further fees deemed necessary or credit any overpayment to Deposit Account No. 501373.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2203.

Respectfully submitted,

Date: 7 July 2006

A handwritten signature in black ink, appearing to read "Daniel J. Polglaze".

Daniel J. Polglaze
Reg. No. 39,801

Attorneys for Applicant
Leffert Jay & Polglaze
P.O. Box 581009
Minneapolis, MN 55458-1009
T (612) 312-2200
F (612) 312-2250